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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SUNDESA, LLC, a Utah limited liability
company,

Plaintiff,

v.

ADVANCED NUTRITIONAL
PERFORMANCE, LLC, a Delaware limited
liability company,

Defendant.

CASE NO.: 2:14-cv-00369-GMN-GWF

**CONSENT JUDGMENT OF
INFRINGEMENT AND ORDER FOR
PERMANENT INJUNCTION**

WHEREAS Plaintiff Sundesa, LLC ("Sundesa") and Defendant Advanced Nutritional Performance, LLC ("ANP") have agreed to settlement of the matter in issue between them and to entry of this consent judgment of infringement and order for permanent injunction, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

STIPULATED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff Sundesa is a Utah limited liability company having its principal place of business in Lehi, Utah.

2. Defendant ANP is a Delaware limited liability company with its principle place of business in Newark, Delaware.

3. Sundesa is the exclusive licensee of United States Patent No. 6,379,032 (the '032 Patent").

4. Sundesa is the exclusive licensee of United States Design Patent No. D510,235 (the '235 Design Patent").

5. ANP has imported and used Ten.1 Shaker Cups in the United States that fall within the scope of one or more of the claims of Sundesa's '032 Patent.

6. ANP has imported and used Ten.1 Shaker Cups in the United States that fall within the scope of one or more of the claims of Sundesa's '235 Design Patent.

7. Sundesa filed a complaint in the United States District Court for the District of Nevada, Case No.: 2:14-cv-00368-GMN-GWF, against ANP for infringement of the '032 Patent and the '235 Design Patent.

8. The Ten.1 Shaker Cups infringe at least one valid claim of the '032 Patent and at least one valid claim of the '235 Design Patent.

STIPULATION

To resolve the dispute by settlement and agreement, without the necessity of extensive litigation and the expenses and inconveniences incident thereto, Sundesa and ANP have agreed to enter into a settlement agreement, wherein ANP agrees to cease using, and importing into the United States, any Ten.1 Shaker Cups, or any other product that falls within the scope of one or more valid claims of the '032 Patent or the '235 Design Patent. ANP further agrees to destroy any remaining Ten.1 Shaker Cups in its possession.

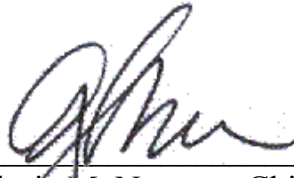
Sundesa and ANP have also agreed that this Court shall retain subject matter jurisdiction, and personal jurisdiction over ANP, to enforce the Consent Judgment and Permanent Injunction.

ORDER

Pursuant to 35 U.S.C. § 283, ANP, its agents, officers, servants, employees, and attorneys, and all persons in active concert and participation with them who receive actual notice of this Order by personal service or otherwise, are hereby permanently enjoined from making,

1 using, selling, offering for sale, and importing into the United States Ten.1 Shaker Cups or any
2 other product falling within the scope of one or more valid claims of either the '032 Patent or the
3 '235 Design Patent.

4 **IT IS SO ORDERED** this 20th day of June, 2014.

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8 Gloria M. Navarro, Chief Judge
9 United States District Court
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